

ESTTA Tracking number: **ESTTA491271**

Filing date: **08/27/2012**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Yahoo! Inc.
Granted to Date of previous extension	08/26/2012
Address	701 First Avenue Sunnyvale, CA 94089 UNITED STATES

Attorney information	David M. Kelly Finnegan Henderson Farabow Garrett & Dunner LLP 901 New York Avenue, N.W. Washington, DC 20001 UNITED STATES docketing@finnegan.com, david.kelly@finnegan.com, whitney.cooke@finnegan.com, susannah.kolstad@finnegan.com Phone:202-408-4000
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Applicant Information

Application No	77936091	Publication date	02/28/2012
Opposition Filing Date	08/27/2012	Opposition Period Ends	08/26/2012
Applicant	Cinnabar Ventures Inc. 17595 S. Tamiami Trail, Suite 300 Fort Myers, FL 33908 UNITED STATES		


Goods/Services Affected by Opposition

Class 009. First Use: 2008/03/21 First Use In Commerce: 2008/03/21 All goods and services in the class are opposed, namely: Downloadable computer software for providing web-based access to applications and services through a web operating system or portal interface
Class 042. First Use: 2008/03/21 First Use In Commerce: 2008/03/21 All goods and services in the class are opposed, namely: Application service provider, namely, providing, hosting, managing, developing, and maintaining applications, software, web sites, and databases in the fields of personal productivity, wireless communication, mobile information access, and remote data management for wireless delivery of content to handheld computers, laptops and mobile electronic devices; Computer services, namely, monitoring, testing, analyzing, and reporting on the Internet traffic control and content control of the web sites of others
Class 045. First Use: 2008/03/21 First Use In Commerce: 2008/03/21 All goods and services in the class are opposed, namely: On-line social networking services

Grounds for Opposition


Priority and likelihood of confusion	Trademark Act section 2(d)
Dilution	Trademark Act section 43(c)


Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	2040691	Application Date	04/24/1996
Registration Date	02/25/1997	Foreign Priority Date	NONE
Word Mark	YAHOO!		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 042. First use: First Use: 1996/01/02 First Use In Commerce: 1996/01/02 computer services, namely, creating indexes of information, sites, and other resources available on computer networks; searching and retrieving information, sites, and other resources available on computer networks for others; providing an online link to news, weather, sports, current events, and reference materials		


U.S. Registration No.	2638064	Application Date	05/14/1999
Registration Date	10/22/2002	Foreign Priority Date	NONE
Word Mark	Y!		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 038. First use: First Use: 1998/03/09 First Use In Commerce: 1998/03/09 TELECOMMUNICATIONS SERVICES, NAMELY, BROADCASTING AND DELIVERY OF AUDIO, VIDEO, AND/OR MULTIMEDIA CONTENT BY MEANS OF [* RADIO, *] CELLULAR AND WIRELESS COMMUNICATION, [* TELEVISION, CABLE TELEVISION, CLOSED CIRCUIT*] ELECTRONIC COMMUNICATIONS NETWORKS, OR COMPUTER NETWORKS; DELIVERY OF MESSAGES BY ELECTRONIC TRANSMISSION; PAGING SERVICES; ELECTRONIC MAIL SERVICES; ELECTRONIC TRANSMISSION OF DATA, IMAGES, AND DOCUMENTS VIA COMPUTER TERMINALS AND NETWORKS; PROVIDING TELEPHONE COMMUNICATIONS VIA COMPUTER NETWORKS; AND TELEPHONE COMMUNICATIONS SERVICES		

U.S. Registration No.	2863899	Application Date	12/14/1998
Registration Date	07/20/2004	Foreign Priority	NONE

		Date	
Word Mark	Y!		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 035. First use: First Use: 1997/12/04 First Use In Commerce: 1998/01/12 PROMOTING THE GOODS AND SERVICES OF OTHERS BY PLACING ADVERTISEMENTS AND PROMOTIONAL DISPLAYS ON AN ELECTRONIC SITE ACCESSED THROUGH COMPUTER NETWORKS [AND BY PLACING ADVERTISEMENTS AND PROMOTIONAL DISPLAYS ON ELECTRONIC MULTI-MEDIA GREETING CARDS DISTRIBUTED OVER A GLOBAL COMPUTER NETWORK]		

U.S. Registration No.	2941023	Application Date	12/14/1998
Registration Date	04/19/2005	Foreign Priority Date	NONE
Word Mark	Y!		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 042. First use: First Use: 1997/12/04 First Use In Commerce: 1998/01/12 PROVIDING COMPUTERIZED ON-LINE SERVICES, NAMELY, PROVIDING PERSONALIZED COMPUTER GENERATED ELECTRONIC MULTI-MEDIA GREETING CARDS DISTRIBUTED OVER A GLOBAL COMPUTER NETWORK AND COMPUTERIZED ON-LINE DATE REMINDER SERVICE		

U.S. Registration No.	3825400	Application Date	03/25/2004
Registration Date	07/27/2010	Foreign Priority Date	NONE
Word Mark	Y!		

Design Mark	
Description of Mark	NONE
Goods/Services	<p>Class 009. First use: First Use: 2004/05/29 First Use In Commerce: 2004/05/29 Computer hardware; computer software to enable users to locate other game players and play games over communications networks; computer software for transmitting electronic mail; computer software for electronic messaging; computer software for electronic transmission of data, images, and documents via a global computer network; computer software for providing online chat rooms and electronic bulletin boards for transmission of messages among users in the field of general interest; computer software used to search, retrieve, index, and organize data; computer software used to enhance the performance and functionality of computer networks; computer software for searching and retrieving information, websites, and other resources on computer networks; computer software for providing a directory of information, websites, and resources available on computer networks; computer software for providing multiple-user access to a computer network for the dissemination of a wide range and variety of information; computer software containing interactive entertainment product, which allows users to customize the viewing, listening, and playing experience by selecting and arranging the display and performance of audio, video, and audiovisual elements by users in the fields of music, electronic games, video and the entertainment industry; computer accessories and peripherals, namely, headphones, and mouse pads; downloaders; downloadable sound and video recordings, featuring music, musical performances, and educational materials; downloadable sound and video recordings, featuring music, musical performances, and educational materials; downloadable musical sound recordings</p> <p>Class 016. First use: First Use: 2006/06/30 First Use In Commerce: 2006/06/30 Paper and printed materials, namely, printed paper signs, posters, stickers, and notebooks; pens</p> <p>Class 018. First use: First Use: 2005/07/28 First Use In Commerce: 2005/07/28 Umbrellas</p> <p>Class 021. First use: First Use: 2007/06/30 First Use In Commerce: 2007/06/30 Housewares and glassware, namely, beverage glassware, cups, mugs, and plastic water bottles sold empty</p> <p>Class 025. First use: First Use: 2006/08/26 First Use In Commerce: 2006/08/26 Clothing and clothing accessories, namely, T-shirts, sweatshirts, pants, jackets; headwear; footwear</p> <p>Class 028. First use: First Use: 2007/06/30 First Use In Commerce: 2007/06/30 Squish balls; golf balls</p> <p>Class 035. First use: First Use: 2004/04/08 First Use In Commerce: 2004/04/08 Advertising and promotional services for others, namely, placing advertisements and promotional displays for others in electronic sites accessed via computer networks; dissemination of advertising matter, namely, providing advertising and</p>

	<p>graphic, multi-media and interactive images through computer networks for use on personal home pages; promoting the goods and services of others by means of operating an online shopping mall with links to the retail web sites of others; providing information via the Internet regarding the goods and services of others in the nature of a buyers' guide; online comparison shopping services; compiling and maintaining online commercial information directories; providing an online commercial and residential information directory on the Internet; providing online directory information services also featuring hyperlinks to other websites; telephone directory information; business consulting and technical assistance regarding the operating, managing, advertising, and marketing of websites for others; business consulting services; providing a website in the field of employment opportunities and career placement which offers the exchange of information; business marketing consultation in the field of online commerce websites; general business networking referral services, namely, promoting the goods and services of others by passing business leads and referrals; employment information services; providing information regarding coupons provided by others; providing consumer product information via the Internet; calendaring and reminder services for business purposes rendered via computer networks for organizing and recording appointments and events in the nature of a website with features to organize appointments, reminders, and dates</p> <p>Class 036. First use: First Use: 2010/04/06 First Use In Commerce: 2010/04/06</p> <p>Providing information in the field of real estate by means of linking the website to the websites of others featuring real estate information, real estate financing, mortgage rates, and home sale values; providing information in the field of automobile loans, stock prices, and investing by means of linking to the websites of others; providing information regarding automobile insurance, life insurance, health insurance, homeowners insurance, and renters insurance</p> <p>Class 038. First use: First Use: 2004/05/29 First Use In Commerce: 2004/05/29</p> <p>Broadcasting and delivery of audio, video, and multimedia content by means of radio, cellular communication, wireless communication, the Internet, electronic communications networks, and computer networks; electronic mail services; providing multiple user access to computer networks; providing multiple-user access to computer networks for the transfer and dissemination of a wide range of information; providing high-speed access to the Internet; electronic transmission of data, messages, images, and documents via computer networks; internet telephony services; providing telephone communication services via computer terminals and networks; paging services; electronic store-and-forward messaging services; providing online chat rooms and electronic bulletin/message boards for transmission of messages among users in the field of general interest and for playing games; voice mail services; voice messaging services; providing online communications links which transfer the website user to other local and global web pages</p> <p>Class 039. First use: First Use: 2010/02/23 First Use In Commerce: 2010/02/23</p> <p>Providing travel information; travel services, namely, making reservations and bookings for transportation; electronic storage of messages and data</p> <p>Class 041. First use: First Use: 2010/02/23 First Use In Commerce: 2010/02/23</p> <p>Entertainment services in the nature of providing non-downloadable online games and contests provided via computer networks; online computer services to enable people to locate other game players and play games over communication networks; providing information relating to electronic and computer games; providing non-downloadable multimedia entertainment content, namely, games and ongoing shows featuring music and sports via computer networks; ongoing entertainment programs broadcast via radio, cellular communication, wireless communication, the Internet, electronic communications networks, and computer networks in the fields of news, weather, sports, travel, current events, reference information, career information, computing, technology, shopping, movies, theater, music, health, education,</p>
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	<p>science, and finance; production of music video programs for broadcast on computer networks; entertainment services, namely, providing information in the fields of education, entertainment, current event news, and sports for children and adults via computer networks; providing entertainment and television listings via the Internet; organizing and conducting fantasy sports contests and leagues; providing online fantasy sports news information; providing sports information via telephone, cellular telephone, wireless communication devices, and the Internet; providing information in the field of sports, sports scores, sports statistics, player statistics, play-by-play sports commentary, and sports editorial commentary via the Internet; providing information and news online in the field of employment training; providing a web site featuring musical performances, musical videos, film clips, celebrity interviews, talk shows, television show previews, photographs, and other entertainment related multimedia materials; online photography services; providing non-downloadable prerecorded music, information in the field of music, and commentary and articles about music, all via computer networks; providing information regarding photography</p> <p>Class 042. First use: First Use: 2004/05/29 First Use In Commerce: 2004/05/29</p> <p>Computer services, namely, creating indexes of information, sites, and other resources available on computer networks for others; searching and retrieving information, sites, and other resources available on computer networks for others; search engine services for others; design, creation, hosting, and maintenance of websites for others; providing temporary use of online non-downloadable software for use in designing, creating, hosting, maintaining, and operating personal web pages; providing customized online web pages featuring user-defined information, which includes search engines and online web links to other websites; domain name registration services; online computer mapping services; mapping services, namely, providing a website and website links to geographic information, map images, and trip routing; computer services, namely, non-downloadable computer software provided online for spam filtering, firewall protection, and parental control</p> <p>Class 045. First use: First Use: 2010/02/23 First Use In Commerce: 2010/02/23</p> <p>Dating services; computer dating services; website services featuring an online dating club; providing horoscope information via computer networks; monitoring of computer systems for computer security purposes; providing online information regarding computer security; calendaring and reminder services for personal purposes rendered via computer networks for organizing and recording appointments and events in the nature of a website with features to organize appointments, reminders, and dates</p>
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Attachments	<p>75093620#TMSN.gif (1 page)(bytes)</p> <p>75605130#TMSN.gif (1 page)(bytes)</p> <p>75605129#TMSN.gif (1 page)(bytes)</p> <p>76583360#TMSN.gif (1 page)(bytes)</p> <p>77936091 Y! Notice of Opposition.pdf (15 pages)(42552 bytes)</p> <p>Exhibit A - B&W.pdf (43 pages)(1516791 bytes)</p>
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Certificate of Service


The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Whitney D. Cooke/
Name	Whitney D. Cooke
Date	08/27/2012

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

<p>YAHOO! INC.,</p> <p style="text-align: center;">Opposer,</p> <p style="text-align: center;">v.</p> <p>CINNABAR VENTURES INC.,</p> <p style="text-align: center;">Applicant.</p>	<p>Opposition No. _____</p> <div style="text-align: center;"></div> <p>Mark: Serial No.: 77936091 Filed: February 15, 2010</p>
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NOTICE OF OPPOSITION

Yahoo! Inc. ("Opposer"), a corporation of the State of Delaware, having a principal place of business at 701 First Avenue, Sunnyvale California 94089, believes that it is being and will be damaged by the registration of mark  for all of the goods and services listed in Application Serial No. 77936091 and hereby opposes same. As grounds for its opposition, Opposer alleges that, upon actual knowledge with respect to Opposer's own acts, and upon information and belief as to other matters:

Opposer and its YAHOO! and Y! Marks

1. Opposer Yahoo! Inc. is a corporation of the State of Delaware, having a principal place of business at 701 First Avenue, Sunnyvale, California 94089.

2. Yahoo! is the premier digital media company offering a comprehensive branded network of searching, entertainment, directory, information, communication, shopping, electronic commerce, and other online

services to hundreds of millions of Internet users. Yahoo!'s services are available on PCs and other devices such as mobile devices, tablets, and TVs.

3. Since at least 1996, Opposer has used its YAHOO! Stylized Mark, shown below, in commerce in connection with computer services, telecommunications services, electronic mail services, and providing online links to news, weather, sports, current events, and reference materials, among others.




4. Since at least 1997, Opposer has used its Y! Stylized Mark (shown below) in commerce in connection with the services listed above, among others.



5. Opposer has also used for many years the mark Y! in block lettering to identify its services, including on toolbars and as part of the mark MY Y! and as part of the wording "Make Y! My Homepage." Millions of Internet users have downloaded the Yahoo! toolbar bearing the Y! Mark from Yahoo!'s website.

6. Opposer is the owner of the following valid and subsisting United States trademark registrations for the YAHOO! Stylized Mark, Y! Stylized Mark, and Y! block letter marks (collectively the "YAHOO! and Y! Marks") (printouts from the PTO TESS/TARR and assignment database are attached as Exhibit A):

Mark	Reg. No. Reg. Date	Goods and Services (First Use in Commerce)
	2040691 02-25-1997	Computer services, namely, creating indexes of information, sites, and other resources available on computer networks; searching and retrieving information, sites, and other resources available on computer networks for others; providing an online link to news, weather, sports, current events, and reference materials, in Class 42 First Use in Commerce: 01-02-1996
Y!	2638064 10-22-2002	Telecommunications services, namely, broadcasting and delivery of audio, video, and/or multimedia content by means of cellular and wireless communication, electronic communications networks, or computer networks; delivery of messages by electronic transmission; paging services; electronic mail services; electronic transmission of data, images, and documents via computer terminals and networks; providing telephone communications via computer networks; and telephone communications services in Class 38 First Use in Commerce: 03-09-1998
Y!	2863899 07-20-2004	Promoting the goods and services of others by placing advertisements and promotional displays on an electronic site accessed through computer networks in Class 35 First Use in Commerce: 01-12-1998
Y!	2941023 04-19-2005	Providing computerized on-line services, namely, providing personalized computer generated electronic multi-media greeting cards distributed over a global computer network and computerized online date reminder service in Class 42 First Use in Commerce: 01-12-1998



3825400
07-27-2010

Computer hardware; computer software to enable users to locate other game players and play games over communications networks; computer software for transmitting electronic mail; computer software for electronic messaging; computer software for electronic transmission of data, images, and documents via a global computer network; computer software for providing online chat rooms and electronic bulletin boards for transmission of messages among users in the field of general interest; computer software used to search, retrieve, index, and organize data; computer software used to enhance the performance and functionality of computer networks; computer software for searching and retrieving information, websites, and other resources on computer networks; computer software for providing a directory of information, websites, and resources available on computer networks; computer software for providing multiple-user access to a computer network for the dissemination of a wide range and variety of information; computer software containing interactive entertainment product, which allows users to customize the viewing, listening, and playing experience by selecting and arranging the display and performance of audio, video, and audiovisual elements by users in the fields of music, electronic games, video and the entertainment industry; computer accessories and peripherals, namely, headphones, and mouse pads; downloaders; downloadable sound and video recordings, featuring music, musical performances, and educational materials; downloadable sound and video recordings, featuring

		<p>music, musical performances, and educational materials; downloadable musical sound recordings in Class 9 First Use in Commerce: 05-29-2004;</p> <p>Paper and printed materials, namely, printed paper signs, posters, stickers, and notebooks; pens in Class 16 First Use in Commerce: 06-30-2006;</p> <p>Umbrellas in Class 18 First Use in Commerce: 07-28-2005;</p> <p>Housewares and glassware, namely, beverage glassware, cups, mugs, and plastic water bottles sold empty in Class 21; First Use in Commerce: 06-30-2007;</p> <p>Clothing and clothing accessories, namely, T-shirts, sweatshirts, pants, jackets; headwear; footwear in Class 25 First Use in Commerce: 08-26-2006;</p> <p>Squish balls; golf balls in Class 28 First Use in Commerce: 06-30-2007;</p> <p>Advertising and promotional services for others, namely, placing advertisements and promotional displays for others in electronic sites accessed via computer networks; dissemination of advertising matter, namely, providing advertising and graphic, multi-media and interactive images through computer networks for use on personal home pages; promoting the goods and services of others by means of operating an online shopping mall with links to the retail web sites of others; providing information via the Internet regarding the goods and services of others in the nature of a buyers' guide; online comparison shopping services;</p>
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		<p>compiling and maintaining online commercial information directories; providing an online commercial and residential information directory on the Internet; providing online directory information services also featuring hyperlinks to other websites; telephone directory information; business consulting and technical assistance regarding the operating, managing, advertising, and marketing of websites for others; business consulting services; providing a website in the field of employment opportunities and career placement which offers the exchange of information; business marketing consultation in the field of online commerce websites; general business networking referral services, namely, promoting the goods and services of others by passing business leads and referrals; employment information services; providing information regarding coupons provided by others; providing consumer product information via the Internet; calendaring and reminder services for business purposes rendered via computer networks for organizing and recording appointments and events in the nature of a website with features to organize appointments, reminders, and dates in Class 35</p> <p>First Use in Commerce: 04-08-2004;</p> <p>Providing information in the field of real estate by means of linking the website to the websites of others featuring real estate information, real estate financing, mortgage rates, and home sale values; providing information in the field of automobile loans, stock prices, and investing by means of linking to the websites of others; providing information regarding</p>
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		<p>automobile insurance, life insurance, health insurance, homeowners insurance, and renters insurance in Class 36; First Use in Commerce: 04-06-2010;</p> <p>Broadcasting and delivery of audio, video, and multimedia content by means of radio, cellular communication, wireless communication, the Internet, electronic communications networks, and computer networks; electronic mail services; providing multiple user access to computer networks; providing multiple-user access to computer networks for the transfer and dissemination of a wide range of information; providing high-speed access to the Internet; electronic transmission of data, messages, images, and documents via computer networks; internet telephony services; providing telephone communication services via computer terminals and networks; paging services; electronic store-and-forward messaging services; providing online chat rooms and electronic bulletin/message boards for transmission of messages among users in the field of general interest and for playing games; voice mail services; voice messaging services; providing online communications links which transfer the website user to other local and global web pages in Class 38 First Use in Commerce: 05-29-2004;</p> <p>Providing travel information; travel services, namely, making reservations and bookings for transportation; electronic storage of messages and data in Class 39 First Use in Commerce: 02-23-2010;</p>
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		<p>Entertainment services in the nature of providing non-downloadable online games and contests provided via computer networks; online computer services to enable people to locate other game players and play games over communication networks; providing information relating to electronic and computer games; providing non-downloadable multimedia entertainment content, namely, games and ongoing shows featuring music and sports via computer networks; ongoing entertainment programs broadcast via radio, cellular communication, wireless communication, the Internet, electronic communications networks, and computer networks in the fields of news, weather, sports, travel, current events, reference information, career information, computing, technology, shopping, movies, theater, music, health, education, science, and finance; production of music video programs for broadcast on computer networks; entertainment services, namely, providing information in the fields of education, entertainment, current event news, and sports for children and adults via computer networks; providing entertainment and television listings via the Internet; organizing and conducting fantasy sports contests and leagues; providing online fantasy sports news information; providing sports information via telephone, cellular telephone, wireless communication devices, and the Internet; providing information in the field of sports, sports scores, sports statistics, player statistics, play-by-play sports commentary, and sports editorial commentary via the Internet; providing information and news online in the</p>
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		<p>field of employment training; providing a web site featuring musical performances, musical videos, film clips, celebrity interviews, talk shows, television show previews, photographs, and other entertainment related multimedia materials; online photography services. providing non-downloadable prerecorded music, information in the field of music, and commentary and articles about music, all via computer networks; providing information regarding photography in Class 41.</p> <p>First Use in Commerce: 02-23-2010;</p> <p>Computer services, namely, creating indexes of information, sites, and other resources available on computer networks for others; searching and retrieving information, sites, and other resources available on computer networks for others; search engine services for others; design, creation, hosting, and maintenance of websites for others; providing temporary use of online non-downloadable software for use in designing, creating, hosting, maintaining, and operating personal web pages; providing customized online web pages featuring user-defined information, which includes search engines and online web links to other websites; domain name registration services; online computer mapping services; mapping services, namely, providing a website and website links to geographic information, map images, and trip routing; computer services, namely, non-downloadable computer software provided online for spam filtering, firewall protection, and parental control in Class 42</p> <p>First Use in Commerce: 05-29-2004;</p>
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		Dating services; computer dating services; website services featuring an online dating club; providing horoscope information via computer networks; monitoring of computer systems for computer security purposes; providing online information regarding computer security; calendaring and reminder services for personal purposes rendered via computer networks for organizing and recording appointments and events in the nature of a website with features to organize appointments, reminders, and dates in Class 45; First Use in Commerce: 02-23-2010
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7. The foregoing registrations are valid and subsisting and constitute prima facie evidence of the validity of the marks and registrations, and of Opposer's ownership of and exclusive right to use the marks in commerce.

8. The YAHOO! website, which prominently features Opposer's YAHOO! and Y! Marks, has long been one of the leading Internet destinations in terms of traffic, advertising, and household and business user reach, and the YAHOO! Stylized Mark is one of the most recognized brands in the world.

9. In 2011, Interbrand, one of the world's leading brand marketing and consulting firms, published its annual report that ranks the world's most valuable brands. The 2011 Interbrand survey ranks the YAHOO! mark as number 76 with a value of over \$4 billion. The YAHOO! mark has been on Interbrand's list of most valuable global brands for many years.

10. The YAHOO! Stylized Mark has received extensive unsolicited attention from the local, national, and international media, and has also featured

prominently for years on billboards and signage in high-traffic areas such as San Francisco's Bay Bridge and Times Square in New York City.

11. Consumers and the media understand the Y! Stylized Mark and Y! block letter marks to be synonymous and interchangeable with the YAHOO! mark (in stylized and in block letter form).

12. As a result of extensive use, advertising, and promotion, the YAHOO! and Y! Marks have achieved widespread public recognition and have long been famous, including well before the filing date of the opposed application, and any date of first use that may be alleged by Applicant.

Applicant and its Y! Application

13. Cinnabar Ventures, Inc. ("Applicant") is a corporation of the State of Nevada, with its principal place of business at 17595 Tamiami Trail, Suite 300, Fort Myers, Florida 33908.

14. Applicant is the listed owner of Application Serial No. 77936091, filed February 15, 2010 under Section 1(a), 15 U.S.C. § 1051(a), for the mark shown below for "downloadable computer software for providing web-based access to application and services through a web operating system or portal interface" in International Class 9, and "application service provider, namely, providing, hosting, managing, developing, and maintaining applications, software, web sites, and databases in the fields of personal productivity, wireless communication, mobile information access, and remote data management for wireless delivery of content to handheld computers, laptops and mobile electronic devices; computer services, namely, monitoring, testing, analyzing, and reporting on the Internet traffic control


and content control of the web sites of others” in International Class 42, and “on-line social networking services” in Class 45.




Likelihood of Confusion, 15 U.S.C. § 1052(d)



15. Opposer repeats and realleges each and every allegation set forth in Paragraphs 1 through 14.

16. Opposer has priority based on its prior valid and subsisting registrations for its YAHOO! and Y! Marks and prior uses of those marks as described above.

17. Applicant's  mark strongly resembles Opposer's YAHOO! and Y! Marks in sound, appearance, and connotation. Moreover, the prominent exclamation point contained in both marks, as shown below, makes the marks even closer in similarity and overall commercial impression. In addition, the goods and services identified in the opposed application are identical and/or closely related to the goods and services offered and sold by Opposer in connection with its YAHOO! and Y! Marks, including those covered by Opposer's trademark registrations for its YAHOO! and Y! Marks.



18. In view of the similarity of the parties' marks and the identical and/or closely related nature of the parties' respective goods and services, Applicant's  mark so closely resembles Opposer's previously used and registered YAHOO! and Y! Marks as to be likely to cause confusion, or to cause mistake, or to deceive in violation of Section 2(d), 15 U.S.C. § 1052(d).


19. Applicant adopted its  mark in bad faith as shown by, among other things, its use of its  mark as part of a circular logo separate and apart from its full word mark, YIPPY. The parties' respective circular logos are shown below:




Dilution, 15 U.S.C. § 1125(c)(1)

20. Opposer repeats and realleges each and every allegation set forth in Paragraphs 1 through 19.

21. Opposer's YAHOO! and Y! Marks became famous before the filing date of Application No. 77936091, and any date of first use that may be alleged by Applicant.

22. Applicant's  mark so closely resembles Opposer's previously used and registered YAHOO! and Y! Marks as to be likely to cause dilution of the distinctive quality of Opposer's famous marks and trade name in violation of Section 43(c), 15 U.S.C. § 1125(c).

WHEREFORE, Opposer is being and will be damaged by the registration of the mark , and respectfully requests that this opposition be sustained, and that the mark shown in Application Serial No. 77936091 be refused registration.

A filing fee will be submitted electronically. If the filing fee is found to be insufficient for any reason, please charge such deficiency to our Deposit Account No. 06-0916.

Respectfully submitted,

YAHOO! INC.

Dated: August 27, 2012

By: Whitney D. Cooke/

David M. Kelly
Linda K. McLeod
Whitney D. Cooke
Finnegan, Henderson, Farabow,
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Attorneys for Opposer

CERTIFICATE OF SERVICE

I certify that a true and accurate copy of the foregoing NOTICE OF
OPPOSITION was served by first class mail, postage prepaid, on this 27th day of
August 2012, upon counsel for Applicant:

Jack B. Baldini, Esq.
LAW OFFICE OF JULES D. ZALON
20 Curtis Avenue
West Orange, NJ 07052

/Susannah C. Kolstad/
Susannah C. Kolstad
Litigation Legal Assistant

YAHOO! INC.,
v.
CINNABAR VENTURES INC.,

Opposition No. _____

Mark:



Serial No.: 77936091
Filed: February 15, 2010

NOTICE OF OPPOSITION

Exhibit A



United States Patent and Trademark Office

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YAHOO!

Word Mark YAHOO!

Goods and Services IC 042. US 100 101. G & S: computer services, namely, creating indexes of information, sites, and other resources available on computer networks; searching and retrieving information, sites, and other resources available on computer networks for others; providing an online link to news, weather, sports, current events, and reference materials. FIRST USE: 19960102. FIRST USE IN COMMERCE: 19960102

Mark Drawing Code (5) WORDS, LETTERS, AND/OR NUMBERS IN STYLIZED FORM

Serial Number 75093620

Filing Date April 24, 1996

Current Basis 1A

Original Filing Basis 1A

Published for Opposition December 3, 1996

Registration Number 2040691

Registration Date February 25, 1997

Owner (REGISTRANT) Yahoo! Inc. CORPORATION CALIFORNIA 701 First Avenue Sunnyvale CALIFORNIA 94086

Assignment ASSIGNMENT RECORDED**Recorded****Attorney of
Record** Laura H. Covington, Esq.**Type of
Mark** SERVICE MARK**Register** PRINCIPAL**Affidavit
Text** SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20070410.**Renewal** 1ST RENEWAL 20070410**Live/Dead
Indicator** LIVE[TESS HOME](#)[NEW USER](#)[STRUCTURED](#)[FREE FORM](#)[BROWSE DICT](#)[SEARCH OG](#)[TOP](#)[HELP](#)[|.HOME](#) | [SITE INDEX](#) | [SEARCH](#) | [eBUSINESS](#) | [HELP](#) | [PRIVACY POLICY](#)

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Serial Number: 75093620 Assignment Information Trademark Document Retrieval

Registration Number: 2040691

Mark

YAHOO!

(words only): YAHOO!

Standard Character claim: No

Current Status: The registration has been renewed.

Date of Status: 2007-04-10

Filing Date: 1996-04-24

Transformed into a National Application: No

Registration Date: 1997-02-25

Register: Principal

Law Office Assigned: LAW OFFICE 109

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 830 -Post Registration

Date In Location: 2007-04-10

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Yahoo! Inc.

Address:

Yahoo! Inc.

701 First Avenue

Sunnyvale, CA 94086

United States

Legal Entity Type: Corporation**State or Country of Incorporation:** California

GOODS AND/OR SERVICES

International Class: 042**Class Status:** Active

computer services, namely, creating indexes of information, sites, and other resources available on computer networks; searching and retrieving information, sites, and other resources available on computer networks for others; providing an online link to news, weather, sports, current events, and reference materials

Basis: 1(a)**First Use Date:** 1996-01-02**First Use in Commerce Date:** 1996-01-02

ADDITIONAL INFORMATION

(NOT AVAILABLE)

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2009-01-22 - Notice Of Suit

2008-08-05 - Notice Of Suit

2007-04-10 - First renewal 10 year

2007-04-10 - Section 8 (10-year) accepted/ Section 9 granted

2007-03-28 - Assigned To Paralegal

2007-02-14 - Combined Section 8 (10-year)/Section 9 filed

2007-02-14 - TEAS Section 8 & 9 Received

2007-02-12 - Attorney Revoked And/Or Appointed

2007-02-12 - TEAS Revoke/Appoint Attorney Received

2006-12-21 - Case File In TICSRS

2002-12-23 - Section 8 (6-year) accepted & Section 15 acknowledged

2002-10-24 - Section 8 (6-year) and Section 15 Filed

2002-10-24 - PAPER RECEIVED

1997-02-25 - Registered - Principal Register

1996-12-03 - Published for opposition

1996-11-01 - Notice of publication

1996-09-13 - Approved for Pub - Principal Register (Initial exam)

1996-08-13 - Communication received from applicant

1996-07-29 - Non-final action mailed

1996-07-25 - Assigned To Examiner

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Laura H. Covington, Esq.

Correspondent

Laura H. Covington, Esq.

Yahoo! Inc.

701 First Ave.

Sunnyvale CA 94089

Phone Number: 408.349.5187

Fax Number: 408.349.7750



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3420 CENTRAL EXPRESSWAY

SANTA CLARA, CALIFORNIA 95051

Correspondent: FINNEGAN, HENDERSON, FARABOW, ET AL.

CHRISTIE BATY HEINZE

1300 I STREET, NW

WASHINGTON, DC 20005-3315

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Web interface last modified: July 10, 2012 v.2.3.2

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Owner (REGISTRANT) Yahoo! Inc. CORPORATION DELAWARE 701 First Ave Sunnyvale CALIFORNIA 94089

**Assignment
Recorded** ASSIGNMENT RECORDED

**Attorney of
Record** J. Scott Evans, Esq.

**Type of
Mark** SERVICE MARK

Register PRINCIPAL

**Affidavit
Text** SECT 15. SECT 8 (6-YR).

**Live/Dead
Indicator** LIVE

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Serial Number: 75980047 Assignment Information Trademark Document Retrieval

Registration Number: 2638064

Mark (words only): Y!

Standard Character claim: No

Current Status: A Sections 8 and 15 combined declaration has been accepted and acknowledged.

Date of Status: 2008-11-17

Filing Date: 1999-05-14

Transformed into a National Application: No

Registration Date: 2002-10-22

Register: Principal

Law Office Assigned: LAW OFFICE 112

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 830 -Post Registration

Date In Location: 2008-11-17

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Yahoo! Inc.

Address:

Yahoo! Inc.

701 First Ave

Sunnyvale, CA 94089

United States

Legal Entity Type: Corporation

State or Country of Incorporation: Delaware

GOODS AND/OR SERVICES

International Class: 038

Class Status: Active

TELECOMMUNICATIONS SERVICES, NAMELY, BROADCASTING AND DELIVERY OF AUDIO, VIDEO, AND/OR MULTIMEDIA CONTENT BY MEANS OF CELLULAR AND WIRELESS COMMUNICATION, ELECTRONIC COMMUNICATIONS NETWORKS, OR COMPUTER NETWORKS; DELIVERY OF MESSAGES BY ELECTRONIC TRANSMISSION; PAGING SERVICES; ELECTRONIC MAIL SERVICES; ELECTRONIC TRANSMISSION OF DATA, IMAGES, AND DOCUMENTS VIA COMPUTER TERMINALS AND NETWORKS; PROVIDING TELEPHONE COMMUNICATIONS VIA COMPUTER NETWORKS; AND TELEPHONE COMMUNICATIONS SERVICES

Basis: 1(a)

First Use Date: 1998-03-09

First Use in Commerce Date: 1998-03-09

ADDITIONAL INFORMATION

(NOT AVAILABLE)

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2008-11-17 - Section 8 (6-year) accepted & Section 15 acknowledged

2008-10-23 - Assigned To Paralegal

2008-10-21 - TEAS Section 8 & 15 Received

2008-10-21 - Attorney Revoked And/Or Appointed

2008-10-21 - TEAS Revoke/Appoint Attorney Received

2008-02-06 - Case File In TICRS

2003-10-31 - Section 7 correction issued

2003-07-10 - Section 7 new certificate issued

2003-02-25 - Section 7 amendment filed

2003-02-25 - PAPER RECEIVED

2002-10-22 - Registered - Principal Register

2001-03-23 - Extension Of Time To Oppose Received

2001-03-13 - Published for opposition

2001-02-28 - Notice of publication

2000-12-19 - Approved for Pub - Principal Register (Initial exam)

2000-12-19 - Amendment to Use approved

2000-12-12 - Amendment To Use Processing Complete

2000-04-13 - Use Amendment Filed

2000-11-17 - Divisional processing completed

2000-04-13 - Divisional request received

2000-07-19 - Assigned To Examiner

1999-10-14 - Non-final action mailed

1999-09-24 - Assigned To Examiner

1999-09-21 - Assigned To Examiner

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

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Correspondent

J. Scott Evans, Esq.

Yahoo! Inc.

701 First Ave.

Sunnyvale CA 94089

Phone Number: 408.349.1385

Fax Number: 408.349.7750



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701 FIRST AVENUE

SUNNYVALE, CALIFORNIA 94089

Correspondent: FINNEGAN, HENDERSON, FARABOW ET AL.

CHRISTIE BATY HEINZE

1300 I STREET, N.W.

WASHINGTON, DC 20005-3515

Search Results as of: 08/27/2012 04:48 PM

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Web interface last modified: July 10, 2012 v.2.3.2

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Typed Drawing

Word Mark Y!

Goods and Services IC 035. US 100 101 102. G & S: PROMOTING THE GOODS AND SERVICES OF OTHERS BY PLACING ADVERTISEMENTS AND PROMOTIONAL DISPLAYS ON AN ELECTRONIC SITE ACCESSED THROUGH COMPUTER NETWORKS [AND BY PLACING ADVERTISEMENTS AND PROMOTIONAL DISPLAYS ON ELECTRONIC MULTI-MEDIA GREETING CARDS DISTRIBUTED OVER A GLOBAL COMPUTER NETWORK]. FIRST USE: 19971204. FIRST USE IN COMMERCE: 19980112

Mark Drawing Code (1) TYPED DRAWING

Serial Number 75605130

Filing Date December 14, 1998

Current Basis 1A

Original Filing Basis 1A

Published for Opposition April 27, 2004

Registration Number 2863899

Registration Date July 20, 2004

Owner (REGISTRANT) YAHOO! INC. CORPORATION DELAWARE 701 FIRST AVENUE SUNNYVALE CALIFORNIA 94089

Assignment Recorded ASSIGNMENT RECORDED

Attorney of Record J. Scott Evans, Esq.

Type of Mark SERVICE MARK
Register PRINCIPAL
Affidavit Text SECT 15. SECT 8 (6-YR).
Live/Dead Indicator LIVE

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Serial Number: 75605130 Assignment Information Trademark Document Retrieval

Registration Number: 2863899

Mark (words only): Y!

Standard Character claim: No

Current Status: A Sections 8 and 15 combined declaration has been accepted and acknowledged.

Date of Status: 2010-05-17

Filing Date: 1998-12-14

Transformed into a National Application: No

Registration Date: 2004-07-20

Register: Principal

Law Office Assigned: LAW OFFICE 112

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: M30 -TMO Law Office 112

Date In Location: 2010-05-17

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. YAHOO! INC.

Address:

YAHOO! INC.
701 FIRST AVENUE
SUNNYVALE, CA 94089
United States

Legal Entity Type: Corporation

State or Country of Incorporation: Delaware

GOODS AND/OR SERVICES

International Class: 035

Class Status: Active

PROMOTING THE GOODS AND SERVICES OF OTHERS BY PLACING ADVERTISEMENTS AND PROMOTIONAL DISPLAYS ON AN ELECTRONIC SITE ACCESSED THROUGH COMPUTER NETWORKS

Basis: 1(a)

First Use Date: 1997-12-04

First Use in Commerce Date: 1998-01-12

ADDITIONAL INFORMATION

(NOT AVAILABLE)

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2010-05-17 - Section 8 (6-year) accepted & Section 15 acknowledged

2010-05-13 - Case Assigned To Post Registration Paralegal

2010-04-28 - TEAS Section 8 & 15 Received

2005-04-12 - TEAS Change Of Correspondence Received

2004-07-27 - TEAS Change Of Correspondence Received

2004-07-20 - Registered - Principal Register

2004-05-17 - PAPER RECEIVED

2004-04-27 - Published for opposition

2004-04-23 - PAPER RECEIVED

2004-04-07 - Notice of publication

2004-01-28 - Approved for Pub - Principal Register (Initial exam)

2003-11-25 - Communication received from applicant

2003-12-08 - Communication received from applicant

2003-12-08 - PAPER RECEIVED

2003-11-25 - PAPER RECEIVED

2003-11-21 - Case File In TICRS

2000-02-15 - Letter of suspension mailed

2000-01-13 - Communication received from applicant

1999-07-14 - Non-final action mailed

1999-07-09 - Assigned To Examiner

1999-07-07 - Assigned To Examiner

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

J. Scott Evans, Esq.

Correspondent

J. Scott Evans, Esq.

Yahoo! Inc.

701 First Ave.

Sunnyvale CA 94089

Phone Number: 408.349.1385

Fax Number: 408.349.3400



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Trademark Assignment Abstract of Title

Total Assignments: 1**Serial #:** 75605130**Filing Dt:** 12/14/1998**Reg #:** 2863899**Reg. Dt:** 07/20/2004**Registrant:** YAHOO! INC.**Mark:** Y!**Assignment: 1****Reel/Frame:** 2738/0390**Received:** 10/29/2003**Recorded:** 10/29/2003**Pages:** 2**Conveyance:** ASSIGNS THE ENTIRE INTEREST**Assignor:** WHY NOT CREATIONS, INC.**Exec Dt:** 10/02/2003**Entity Type:** CORPORATION**Citizenship:** CALIFORNIA**Entity Type:** CORPORATION**Citizenship:** DELAWARE**Assignee:** YAHOO! INC.

701 FIRST AVENUE

SUNNYVALE, CALIFORNIA 94089

Correspondent: CHRISTIE BATY HEINZE

1300 I STREET, N.W.

WASHINGTON, DC 20005

Search Results as of: 08/27/2012 04:49 PM

If you have any comments or questions concerning the data displayed, contact PRD / Assignments at 571-272-3350. v.2.3.2

Web interface last modified: July 10, 2012 v.2.3.2

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Typed Drawing

Word Mark Y!

Goods and Services IC 042. US 100 101. G & S: PROVIDING COMPUTERIZED ON-LINE SERVICES, NAMELY, PROVIDING PERSONALIZED COMPUTER GENERATED ELECTRONIC MULTI-MEDIA GREETING CARDS DISTRIBUTED OVER A GLOBAL COMPUTER NETWORK AND COMPUTERIZED ON-LINE DATE REMINDER SERVICE. FIRST USE: 19971204. FIRST USE IN COMMERCE: 19980112

Mark

Drawing Code (1) TYPED DRAWING

Serial Number 75605129

Filing Date December 14, 1998

Current Basis 1A

Original Filing Basis 1A

Published for Opposition January 25, 2005

Registration Number 2941023

Registration Date April 19, 2005

Owner (REGISTRANT) YAHOO! INC. CORPORATION DELAWARE 701 FIRST AVE. SUNNYVALE CALIFORNIA 94089

Assignment Recorded ASSIGNMENT RECORDED

Attorney of Record CHRISTIE BATY HEINZE

Type of Mark SERVICE MARK

Register PRINCIPAL
**Live/Dead
Indicator** LIVE

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Serial Number: 75605129 Assignment Information Trademark Document Retrieval

Registration Number: 2941023

Mark (words only): Y!

Standard Character claim: No

Current Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Date of Status: 2005-04-19

Filing Date: 1998-12-14

Transformed into a National Application: No

Registration Date: 2005-04-19

Register: Principal

Law Office Assigned: LAW OFFICE 112

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 650 -Publication And Issue Section

Date In Location: 2005-04-19

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. YAHOO! INC.

Address:

YAHOO! INC.
701 FIRST AVE.
SUNNYVALE, CA 94089
United States

Legal Entity Type: Corporation

State or Country of Incorporation: Delaware

GOODS AND/OR SERVICES

International Class: 042

Class Status: Active

PROVIDING COMPUTERIZED ON-LINE SERVICES, NAMELY, PROVIDING PERSONALIZED COMPUTER GENERATED ELECTRONIC MULTI-MEDIA GREETING CARDS DISTRIBUTED OVER A GLOBAL COMPUTER NETWORK AND COMPUTERIZED ON-LINE DATE REMINDER SERVICE

Basis: 1(a)

First Use Date: 1997-12-04

First Use in Commerce Date: 1998-01-12

ADDITIONAL INFORMATION

(NOT AVAILABLE)

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2005-04-19 - Registered - Principal Register

2005-01-25 - Published for opposition

2005-01-05 - Notice of publication

2004-11-26 - Law Office Publication Review Completed

2004-11-26 - Assigned To LIE

2004-11-16 - Approved for Pub - Principal Register (Initial exam)

2004-06-29 - Report Completed Suspension Check Case Still Suspended

2004-01-28 - Communication received from applicant

2004-01-28 - PAPER RECEIVED

2003-11-25 - Communication received from applicant

2003-11-25 - PAPER RECEIVED

2003-11-21 - Case File In TICRS

2000-02-15 - Letter of suspension mailed

2000-01-13 - Communication received from applicant

1999-07-14 - Non-final action mailed

1999-07-09 - Assigned To Examiner

1999-07-07 - Assigned To Examiner

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

CHRISTIE BATY HEINZE

Correspondent

CHRISTIE BATY HEINZE

FINNEGAN HENDERSON FARABOW GARRETT ET AL

901 NEW YORK AVE NW

WASHINGTON DC 20001-4413



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Trademark Assignment Abstract of Title

Total Assignments: 1**Serial #:** [75605129](#)**Filing Dt:** 12/14/1998**Reg #:** [2941023](#)**Reg. Dt:** 04/19/2005**Registrant:** YAHOO! INC.**Mark:** Y!**Assignment: 1****Reel/Frame:** [2738/0390](#)**Received:** 10/29/2003**Recorded:** 10/29/2003**Pages:** 2**Conveyance:** ASSIGNS THE ENTIRE INTEREST**Assignor:** [WHY NOT CREATIONS, INC.](#)**Exec Dt:** 10/02/2003**Entity Type:** CORPORATION**Citizenship:** CALIFORNIA**Entity Type:** CORPORATION**Citizenship:** DELAWARE**Assignee:** [YAHOO! INC.](#)

701 FIRST AVENUE

SUNNYVALE, CALIFORNIA 94089

Correspondent: CHRISTIE BATY HEINZE

1300 I STREET, N.W.

WASHINGTON, DC 20005

Search Results as of: 08/27/2012 04:51 PM

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Web interface last modified: July 10, 2012 v.2.3.2

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Word Mark

Y!

Goods and Services

IC 009. US 021 023 026 036 038. G & S: Computer hardware; computer software to enable users to locate other game players and play games over communications networks; computer software for transmitting electronic mail; computer software for electronic messaging; computer software for electronic transmission of data, images, and documents via a global computer network; computer software for providing online chat rooms and electronic bulletin boards for transmission of messages among users in the field of general interest; computer software used to search, retrieve, index, and organize data; computer software used to enhance the performance and functionality of computer networks; computer software for searching and retrieving information, websites, and other resources on computer networks; computer software for providing a directory of information, websites, and resources available on computer networks; computer software for providing multiple-user access to a computer network for the dissemination of a wide range and variety of information; computer software containing interactive entertainment product, which allows users to customize the viewing, listening, and playing experience by selecting and arranging the display and performance of audio, video, and audiovisual elements by users in the fields of music, electronic games, video and the entertainment industry; computer accessories and peripherals, namely, headphones, and mouse pads; downloaders; downloadable sound and video recordings, featuring music, musical performances, and educational materials; downloadable sound and video recordings, featuring music, musical performances, and educational materials; downloadable musical sound recordings. FIRST USE: 20040529. FIRST USE IN COMMERCE: 20040529

IC 016. US 002 005 022 023 029 037 038 050. G & S: Paper and printed materials, namely, printed paper signs, posters, stickers, and notebooks; pens. FIRST USE: 20060630. FIRST USE IN COMMERCE: 20060630

IC 018. US 001 002 003 022 041. G & S: Umbrellas. FIRST USE: 20050728. FIRST USE IN COMMERCE: 20050728

IC 021. US 002 013 023 029 030 033 040 050. G & S: Housewares and glassware, namely, beverage glassware, cups, mugs, and plastic water bottles sold empty. FIRST USE: 20070630. FIRST USE IN COMMERCE: 20070630

IC 025. US 022 039. G & S: Clothing and clothing accessories, namely, T-shirts, sweatshirts, pants, jackets; headwear; footwear. FIRST USE: 20060826. FIRST USE IN COMMERCE: 20060826

IC 028. US 022 023 038 050. G & S: Squish balls; golf balls. FIRST USE: 20070630. FIRST USE IN COMMERCE: 20070630

IC 035. US 100 101 102. G & S: Advertising and promotional services for others, namely, placing advertisements and promotional displays for others in electronic sites accessed via computer networks; dissemination of advertising matter, namely, providing advertising and graphic, multi-media and interactive images through computer networks for use on personal home pages; promoting the goods and services of others by means of operating an online shopping mall with links to the retail web sites of others; providing information via the Internet regarding the goods and services of others in the nature of a buyers' guide; online comparison shopping services; compiling and maintaining online commercial information directories; providing an online commercial and residential information directory on the Internet; providing online directory information services also featuring hyperlinks to other websites; telephone directory information; business consulting and technical assistance regarding the operating, managing, advertising, and marketing of websites for others; business consulting services; providing a website in the field of employment opportunities and career placement which offers the exchange of information; business marketing consultation in the field of online commerce websites; general business networking referral services, namely, promoting the goods and services of others by passing business leads and referrals; employment information services; providing information regarding coupons provided by others; providing consumer product information via the Internet; calendaring and reminder services for business purposes rendered via computer networks for organizing and recording appointments and events in the nature of a website with features to organize appointments, reminders, and dates. FIRST USE: 20040408. FIRST USE IN COMMERCE: 20040408

IC 036. US 100 101 102. G & S: Providing information in the field of real estate by means of linking the website to the websites of others featuring real estate information, real estate financing, mortgage rates, and home sale values; providing information in the field of automobile loans, stock prices, and investing by means of linking to the websites of others; providing information regarding automobile insurance, life insurance, health insurance, homeowners insurance, and renters insurance. FIRST USE: 20100406. FIRST USE IN COMMERCE: 20100406

IC 038. US 100 101 104. G & S: Broadcasting and delivery of audio, video, and multimedia content by means of radio, cellular communication, wireless communication, the Internet, electronic communications networks, and computer networks; electronic mail services; providing multiple user access to computer networks; providing multiple-user access to computer networks for the transfer and dissemination of a wide range of information; providing high-speed access to the Internet; electronic transmission of data, messages, images, and documents via computer networks; internet telephony services; providing telephone communication services via computer terminals and networks; paging services; electronic store-and-forward messaging services; providing online chat rooms and electronic bulletin/message boards for transmission of messages among users in the field of general interest and for playing games; voice mail services; voice messaging services; providing online communications links which transfer the website user to other local and global web pages. FIRST USE: 20040529. FIRST USE IN COMMERCE: 20040529

IC 039. US 100 105. G & S: Providing travel information; travel services, namely, making reservations and bookings for transportation; electronic storage of messages and data. FIRST USE: 20100223. FIRST USE IN COMMERCE: 20100223

IC 041. US 100 101 107. G & S: Entertainment services in the nature of providing non-downloadable online games and contests provided via computer networks; online computer services to enable people to locate other game players and play games over communication networks; providing

information relating to electronic and computer games; providing non-downloadable multimedia entertainment content, namely, games and ongoing shows featuring music and sports via computer networks; ongoing entertainment programs broadcast via radio, cellular communication, wireless communication, the Internet, electronic communications networks, and computer networks in the fields of news, weather, sports, travel, current events, reference information, career information, computing, technology, shopping, movies, theater, music, health, education, science, and finance; production of music video programs for broadcast on computer networks; entertainment services, namely, providing information in the fields of education, entertainment, current event news, and sports for children and adults via computer networks; providing entertainment and television listings via the Internet; organizing and conducting fantasy sports contests and leagues; providing online fantasy sports news information; providing sports information via telephone, cellular telephone, wireless communication devices, and the Internet; providing information in the field of sports, sports scores, sports statistics, player statistics, play-by-play sports commentary, and sports editorial commentary via the Internet; providing information and news online in the field of employment training; providing a web site featuring musical performances, musical videos, film clips, celebrity interviews, talk shows, television show previews, photographs, and other entertainment related multimedia materials; online photography services. providing non-downloadable prerecorded music, information in the field of music, and commentary and articles about music, all via computer networks; providing information regarding photography. FIRST USE: 20100223. FIRST USE IN COMMERCE: 20100223

IC 042. US 100 101. G & S: Computer services, namely, creating indexes of information, sites, and other resources available on computer networks for others; searching and retrieving information, sites, and other resources available on computer networks for others; search engine services for others; design, creation, hosting, and maintenance of websites for others; providing temporary use of online non-downloadable software for use in designing, creating, hosting, maintaining, and operating personal web pages; providing customized online web pages featuring user-defined information, which includes search engines and online web links to other websites; domain name registration services; online computer mapping services; mapping services, namely, providing a website and website links to geographic information, map images, and trip routing; computer services, namely, non-downloadable computer software provided online for spam filtering, firewall protection, and parental control. FIRST USE: 20040529. FIRST USE IN COMMERCE: 20040529

IC 045. US 100 101. G & S: Dating services; computer dating services; website services featuring an online dating club; providing horoscope information via computer networks; monitoring of computer systems for computer security purposes; providing online information regarding computer security; calendaring and reminder services for personal purposes rendered via computer networks for organizing and recording appointments and events in the nature of a website with features to organize appointments, reminders, and dates. FIRST USE: 20100223. FIRST USE IN COMMERCE: 20100223

Mark Drawing Code

(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

Design Search Code

24.17.14 - Ampersands (&); At symbol (@); Brackets, punctuation; Commas; Diacritical marks; Exclamation points (!); Punctuation marks; Question marks (?)
 26.03.21 - Ovals that are completely or partially shaded
 26.13.13 - Quadrilateral (two quadrilaterals); Two quadrilaterals
 26.13.21 - Quadrilaterals that are completely or partially shaded
 27.03.01 - Geometric figures forming letters, numerals or punctuation

Trademark Search Facility Classification Code

LETS-1 Y A single letter, multiples of a single letter or in combination with a design
 NOTATION-SYMBOLS Notation Symbols such as Non-Latin characters, punctuation and mathematical signs, zodiac signs, prescription marks
 SHAPES-CIRCLE Circle figures or designs including semi-circles and incomplete circles
 SHAPES-GEOMETRIC Geometric figures and solids including squares, rectangles, quadrilaterals and polygons

Serial Number

76583360

Filing Date

March 25, 2004

Current Basis	1A
Original Filing Basis	1B
Published for Opposition	August 21, 2007
Registration Number	3825400
International Registration Number	0893000
Registration Date	July 27, 2010
Owner	(REGISTRANT) Yahoo! Inc. CORPORATION DELAWARE 701 First Avenue Sunnyvale CALIFORNIA 94089
Attorney of Record	J. Scott Evans, Esq.
Prior Registrations	2638064;2940285;2970930;AND OTHERS
Description of Mark	Color is not claimed as a feature of the mark.
Type of Mark	TRADEMARK. SERVICE MARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

[TESS HOME](#)[NEW USER](#)[STRUCTURED](#)[FREE FORM](#)[Browse Data](#)[SEARCH OG](#)[TOP](#)[HELP](#)

[|.HOME](#) | [SITE INDEX](#) | [SEARCH](#) | [eBUSINESS](#) | [HELP](#) | [PRIVACY POLICY](#)

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This page was generated by the TARR system on 2012-08-27 17:25:05 ET

Serial Number: 76583360 Assignment Information Trademark Document Retrieval

Registration Number: 3825400

Mark



(words only): Y!

Standard Character claim: No

Current Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Date of Status: 2010-07-27

Filing Date: 2004-03-25

Transformed into a National Application: No

Registration Date: 2010-07-27

Register: Principal

Law Office Assigned: LAW OFFICE 107

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 650 -Publication And Issue Section

Date In Location: 2010-06-24

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Yahoo! Inc.

Address:

Yahoo! Inc.
701 First Avenue
Sunnyvale, CA 94089
United States

Legal Entity Type: Corporation**State or Country of Incorporation:** Delaware**Phone Number:** 408.349.1385**Fax Number:** 408.349.3400

GOODS AND/OR SERVICES

International Class: 009**Class Status:** Active

Computer hardware; computer software to enable users to locate other game players and play games over communications networks; computer software for transmitting electronic mail; computer software for electronic messaging; computer software for electronic transmission of data, images, and documents via a global computer network; computer software for providing online chat rooms and electronic bulletin boards for transmission of messages among users in the field of general interest; computer software used to search, retrieve, index, and organize data; computer software used to enhance the performance and functionality of computer networks; computer software for searching and retrieving information, websites, and other resources on computer networks; computer software for providing a directory of information, websites, and resources available on computer networks; computer software for providing multiple-user access to a computer network for the dissemination of a wide range and variety of information; computer software containing interactive entertainment product, which allows users to customize the viewing, listening, and playing experience by selecting and arranging the display and performance of audio, video, and audiovisual elements by users in the fields of music, electronic games, video and the entertainment industry; computer accessories and peripherals, namely, headphones, and mouse pads; downloaders; downloadable sound and video recordings, featuring music, musical performances, and educational materials; downloadable sound and video recordings, featuring music, musical performances, and educational materials; downloadable musical sound recordings

Basis: 1(a)**First Use Date:** 2004-05-29**First Use in Commerce Date:** 2004-05-29**International Class:** 016**Class Status:** Active

Paper and printed materials, namely, printed paper signs, posters, stickers, and notebooks; pens

Basis: 1(a)**First Use Date:** 2006-06-30**First Use in Commerce Date:** 2006-06-30

International Class: 018**Class Status:** Active

Umbrellas

Basis: 1(a)**First Use Date:** 2005-07-28**First Use in Commerce Date:** 2005-07-28**International Class: 021****Class Status:** Active

Housewares and glassware, namely, beverage glassware, cups, mugs, and plastic water bottles sold empty

Basis: 1(a)**First Use Date:** 2007-06-30**First Use in Commerce Date:** 2007-06-30**International Class: 025****Class Status:** Active

Clothing and clothing accessories, namely, T-shirts, sweatshirts, pants, jackets; headwear; footwear

Basis: 1(a)**First Use Date:** 2006-08-26**First Use in Commerce Date:** 2006-08-26**International Class: 028****Class Status:** Active

Squish balls; golf balls

Basis: 1(a)**First Use Date:** 2007-06-30**First Use in Commerce Date:** 2007-06-30**International Class: 035****Class Status:** Active

Advertising and promotional services for others, namely, placing advertisements and promotional displays for others in electronic sites accessed via computer networks; dissemination of advertising matter, namely, providing advertising and graphic, multi-media and interactive images through computer networks for use on personal home pages; promoting the goods and services of others by means of operating an online shopping mall with links to the retail web sites of others; providing information via the Internet regarding the goods and services of others in the nature of a buyers' guide; online comparison shopping services; compiling and maintaining online commercial information directories; providing an online commercial and residential information directory on the Internet; providing online directory information services also featuring hyperlinks to other websites; telephone directory information; business consulting and technical assistance regarding the operating, managing, advertising, and marketing of websites for others; business consulting services; providing a website in the field of employment opportunities and career placement which offers the exchange of information; business marketing consultation in the field of online commerce websites; general business networking referral services, namely, promoting the goods and services of others by passing business leads and referrals; employment information services; providing information regarding coupons provided by others; providing consumer product information via the Internet; calendaring and reminder services for business purposes rendered via computer networks for organizing and

recording appointments and events in the nature of a website with features to organize appointments, reminders, and dates

Basis: 1(a)

First Use Date: 2004-04-08

First Use in Commerce Date: 2004-04-08

International Class: 036

Class Status: Active

Providing information in the field of real estate by means of linking the website to the websites of others featuring real estate information, real estate financing, mortgage rates, and home sale values; providing information in the field of automobile loans, stock prices, and investing by means of linking to the websites of others; providing information regarding automobile insurance, life insurance, health insurance, homeowners insurance, and renters insurance

Basis: 1(a)

First Use Date: 2010-04-06

First Use in Commerce Date: 2010-04-06

International Class: 038

Class Status: Active

Broadcasting and delivery of audio, video, and multimedia content by means of radio, cellular communication, wireless communication, the Internet, electronic communications networks, and computer networks; electronic mail services; providing multiple user access to computer networks; providing multiple-user access to computer networks for the transfer and dissemination of a wide range of information; providing high-speed access to the Internet; electronic transmission of data, messages, images, and documents via computer networks; internet telephony services; providing telephone communication services via computer terminals and networks; paging services; electronic store-and-forward messaging services; providing online chat rooms and electronic bulletin/message boards for transmission of messages among users in the field of general interest and for playing games; voice mail services; voice messaging services; providing online communications links which transfer the website user to other local and global web pages

Basis: 1(a)

First Use Date: 2004-05-29

First Use in Commerce Date: 2004-05-29

International Class: 039

Class Status: Active

Providing travel information; travel services, namely, making reservations and bookings for transportation; electronic storage of messages and data

Basis: 1(a)

First Use Date: 2010-02-23

First Use in Commerce Date: 2010-02-23

International Class: 041

Class Status: Active

Entertainment services in the nature of providing non-downloadable online games and contests provided via computer networks; online computer services to enable people to locate other game players and play games

over communication networks; providing information relating to electronic and computer games; providing non-downloadable multimedia entertainment content, namely, games and ongoing shows featuring music and sports via computer networks; ongoing entertainment programs broadcast via radio, cellular communication, wireless communication, the Internet, electronic communications networks, and computer networks in the fields of news, weather, sports, travel, current events, reference information, career information, computing, technology, shopping, movies, theater, music, health, education, science, and finance; production of music video programs for broadcast on computer networks; entertainment services, namely, providing information in the fields of education, entertainment, current event news, and sports for children and adults via computer networks; providing entertainment and television listings via the Internet; organizing and conducting fantasy sports contests and leagues; providing online fantasy sports news information; providing sports information via telephone, cellular telephone, wireless communication devices, and the Internet; providing information in the field of sports, sports scores, sports statistics, player statistics, play-by-play sports commentary, and sports editorial commentary via the Internet; providing information and news online in the field of employment training; providing a web site featuring musical performances, musical videos, film clips, celebrity interviews, talk shows, television show previews, photographs, and other entertainment related multimedia materials; online photography services; providing non-downloadable prerecorded music, information in the field of music, and commentary and articles about music, all via computer networks; providing information regarding photography

Basis: 1(a)

First Use Date: 2010-02-23

First Use in Commerce Date: 2010-02-23

International Class: 042

Class Status: Active

Computer services, namely, creating indexes of information, sites, and other resources available on computer networks for others; searching and retrieving information, sites, and other resources available on computer networks for others; search engine services for others; design, creation, hosting, and maintenance of websites for others; providing temporary use of online non-downloadable software for use in designing, creating, hosting, maintaining, and operating personal web pages; providing customized online web pages featuring user-defined information, which includes search engines and online web links to other websites; domain name registration services; online computer mapping services; mapping services, namely, providing a website and website links to geographic information, map images, and trip routing; computer services, namely, non-downloadable computer software provided online for spam filtering, firewall protection, and parental control

Basis: 1(a)

First Use Date: 2004-05-29

First Use in Commerce Date: 2004-05-29

International Class: 045

Class Status: Active

Dating services; computer dating services; website services featuring an online dating club; providing horoscope information via computer networks; monitoring of computer systems for computer security purposes; providing online information regarding computer security; calendaring and reminder services for personal purposes rendered via computer networks for organizing and recording appointments and events in the nature of a website with features to organize appointments, reminders, and dates

Basis: 1(a)

First Use Date: 2010-02-23

First Use in Commerce Date: 2010-02-23

ADDITIONAL INFORMATION

Color(s) Claimed: Color is not claimed as a feature of the mark.

Design Search Code(s):

24.17.14 - Ampersands (&); At symbol (@); Brackets, punctuation; Commas; Diacritical marks; Exclamation points (!); Punctuation marks; Question marks (?)

26.03.21 - Ovals that are completely or partially shaded

26.13.13 - Quadrilateral (two quadrilaterals); Two quadrilaterals

26.13.21 - Quadrilaterals that are completely or partially shaded

27.03.01 - Geometric figures forming letters, numerals or punctuation

Prior Registration Number(s):

2638064

2940285

2970930

MADRID PROTOCOL INFORMATION

USPTO Reference Number: Z1231530

International Registration Number: 0893000

International Registration Date: 2004-09-24

Original Filing Date with USPTO: 2004-09-24

International Registration Status: Application For IR Registered By IB

Date of International Registration Status: 2006-09-07

International Registration Renewal Date: 2014-09-24

Irregularity Reply by Date: 2011-03-15

Madrid History:

12-18-2010 - 07:10:54 - Irregularity On Ceasing Of Effect Received From IB

11-02-2010 - 08:00:49 - Ceasing Of Effect Manually Processed

10-27-2010 - 08:00:49 - Partial Ceasing Of Effect To Be Processed

09-07-2006 - 16:03:05 - Application For IR Registered By IB

01-26-2006 - 08:42:50 - Irregularity Notice Received From IB

09-27-2005 - 09:06:38 - Irregularity Notice Received From IB

07-27-2005 - 16:00:33 - Irregularity Response Sent To IB

07-27-2005 - 12:23:39 - Response To Irregularity Reviewed And Accepted

07-27-2005 - 10:46:05 - Irregularity Response Received From Applicant

05-23-2005 - 11:26:06 - Irregularity Notice Received From IB

04-08-2005 - 15:22:38 - Irregularity Response Sent To IB

04-08-2005 - 13:07:34 - Response To Irregularity Reviewed And Accepted

04-07-2005 - 12:52:38 - Irregularity Response Received From Applicant

01-25-2005 - 10:48:33 - Irregularity Notice Received From IB (Response Required)
09-27-2004 - 08:53:45 - Manually Certified
09-27-2004 - 08:16:55 - New Application For IR Received

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2010-07-27 - Registered - Principal Register

2010-06-25 - Notice Of Acceptance Of Statement Of Use E-Mailed

2010-06-24 - Law Office Registration Review Completed

2010-06-23 - Allowed for Registration - Principal Register (SOU accepted)

2010-06-18 - Notice Of Approval Of Extension Request E-Mailed

2010-06-17 - Statement Of Use Processing Complete

2010-05-13 - Use Amendment Filed

2010-06-17 - Extension 5 granted

2010-05-13 - Extension 5 filed

2010-05-13 - TEAS Extension Received

2010-05-13 - TEAS Statement of Use Received

2009-11-13 - Extension 4 granted

2009-11-11 - Extension 4 filed

2009-11-11 - TEAS Extension Received

2009-06-02 - Extension 3 granted

2009-05-13 - Extension 3 filed

2009-06-02 - Case Assigned To Intent To Use Paralegal

2009-05-29 - Attorney Revoked And/Or Appointed

2009-05-29 - TEAS Revoke/Appoint Attorney Received

2009-05-13 - TEAS Extension Received

2008-11-11 - Extension 2 granted

2008-11-11 - Extension 2 filed

2008-11-11 - TEAS Extension Received

2008-05-13 - Extension 1 granted

2008-05-13 - Extension 1 filed

2008-05-13 - TEAS Extension Received

2007-11-13 - NOA Mailed - SOU Required From Applicant

2007-08-21 - Published for opposition

2007-08-01 - Notice of publication

2007-05-17 - Law Office Publication Review Completed

2007-05-17 - Approved For Pub - Principal Register

2007-05-03 - Examiner's Amendment Entered

2007-05-03 - EXAMINERS AMENDMENT E-MAILED

2007-05-03 - Examiners Amendment - Written

2007-04-27 - Previous Allowance Count Withdrawn

2007-03-30 - Withdrawn From Pub - Og Review Query

2007-03-02 - Law Office Publication Review Completed

2007-03-02 - Assigned To LIE

2007-01-29 - Approved For Pub - Principal Register

2007-01-08 - Examiner's Amendment Entered

2007-01-08 - EXAMINERS AMENDMENT E-MAILED

2007-01-08 - Examiners Amendment - Written

2007-01-08 - Previous Allowance Count Withdrawn

2006-12-08 - Withdrawn From Pub - Og Review Query

2006-11-11 - Law Office Publication Review Completed

2006-11-09 - Assigned To LIE

2006-11-07 - Approved For Pub - Principal Register

2006-10-24 - Examiner's Amendment Entered

2006-10-24 - EXAMINERS AMENDMENT E-MAILED

2006-10-24 - Examiners Amendment - Written

2006-10-10 - Assigned To Examiner

2006-08-26 - Teas/Email Correspondence Entered

2006-08-25 - Communication received from applicant

2006-08-25 - TEAS Response to Office Action Received

2006-02-27 - Continuation of final refusal e-mailed

2006-02-27 - Action Continuing A Final - Completed

2006-02-06 - Teas/Email Correspondence Entered

2006-01-31 - Communication received from applicant

2006-01-31 - TEAS Response to Office Action Received

2006-01-05 - Attorney Revoked And/Or Appointed

2006-01-05 - TEAS Revoke/Appoint Attorney Received

2005-08-08 - Non-final action mailed

2005-08-05 - Non-Final Action Written

2005-08-01 - Teas/Email Correspondence Entered

2005-07-26 - Communication received from applicant

2005-07-26 - TEAS Response to Office Action Received

2005-06-01 - Final refusal mailed

2005-05-31 - Final Refusal Written

2005-04-19 - Final refusal mailed

2005-04-18 - Final Refusal Written

2005-04-13 - Teas/Email Correspondence Entered

2005-04-05 - Communication received from applicant

2005-04-05 - TEAS Response to Office Action Received

2004-10-08 - Examiner's Amendment And/Or Priority Action Mailed

2004-10-07 - Examiners Amendment And/Or Priority Action - Completed

2004-10-07 - Assigned To Examiner

2004-04-13 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

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Correspondent

J. Scott Evans, Esq.

Yahoo! Inc.

701 First Ave.

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Assignments on the Web > Trademark Query

No assignment has been recorded at the USPTO

For Serial Number: 76583360

If you have any comments or questions concerning the data displayed, contact PRD / Assignments at 571-272-3350. v.2.3.2
Web interface last modified: July 10, 2012 v.2.3.2

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